

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Sunbelt Utilities, Inc. for amendment of Certificates Nos. 280-W and 227-S in Lake County.)	DOCKET NO. 890483-WS
)	ORDER NO. 21769
)	ISSUED: 8-22-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 JOHN T. HERNDON
 GERALD L. GUNTER

ORDER GRANTING AMENDMENT OF CERTIFICATES NOS.
 280-W AND 227-S IN LAKE COUNTY, AND GRANTING ORIGINAL
 WATER AND SEWER CERTIFICATES IN SUMTER COUNTY

BY THE COMMISSION:

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Background

On April 6, 1989, Sunbelt Utilities, Inc. (Sunbelt or Utility) filed an application with this Commission for amendment of its Lake County water and sewer certificates, Nos. 280-W and 227-S, to include an additional 2,600 acres owned by its affiliated developer. The territory requested extends beyond the Lake County line; therefore, we are amending Sunbelt's Lake County certificates to include the portion of the territory within Lake County. Further, we are granting original certificates for the territory in Sumter County.

Sunbelt has been in operation for approximately 10 years and is presently providing service to a 2,860 unit modular home community.

Request for Rule Waiver

Pursuant to Rule 25-30.030(2)(c), Florida Administrative Code, a utility must file its application within 180 days of noticing. On May 22, 1989, Sunbelt filed a petition for waiver of this Rule. In its request, the Utility noted that the application was only one day late and that no entity previously

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noticed would be prejudiced. We advised Sunbelt of two utilities, Spruce Creek and Steeplechase, which were recently certificated and which were not included in the initial noticing. The Utility has provided an affidavit stating both utilities have been noticed and that neither objects to the application.

We do not find it appropriate to require Sunbelt to renotify since the same entities would be noticed and such entities have no objections to the application. Sunbelt's request for waiver of Rule 25-30.030, Florida Administrative Code, is, therefore, granted.

Certificate Amendment

Sunbelt's application is otherwise in compliance with Section 367.041, Florida Statutes, and other pertinent statutes and administrative rules. Sunbelt has paid the appropriate filing fee and provided proof of ownership of the land upon which treatment facilities are located. Adequate territory and system maps of the proposed amended territory have been filed and the territory is shown in Attachment A. Noticing requirements have been met in accordance with Rule 25-30.030, Florida Administrative Code, with the exception of the rule waiver request discussed previously, and no objections to the notice have been filed.

We have reviewed the Utility's financial status and find it to have adequate resources for operation and expansion of the Utility. Additionally, the Utility has secured a \$9.2 million industrial revenue bond for expansion of the water and sewer systems.

Based upon the foregoing, we find that it is in the public interest to grant Sunbelt the additional territory described in Attachment A of this Order. Sunbelt is directed to return Certificates Nos. 280-W and 226-S to the Commission for entry reflecting the additional territory

Original Certificates

This Commission requires a utility to have separate certificates in each county in which it intends to provide service. Since the additional territory requested by Sunbelt

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extends into Sumter County, the Utility is required to have certificates to provide water and sewer service in Sumter County. As stated previously, Sunbelt has met all filing and noticing requirements for amendment of its present territory. Further, the Utility has sound financing for expansion of the utility and technical expertise in operation of the utility based upon its 10-year operation.

Therefore, we find that it is in the public interest to grant Sunbelt Certificate Nos. 519-W and 452-S for extension of its territory into Sumter County. Since the entire service territory will be served from regional plants, Sunbelt's present tariff would apply to all customers in both counties.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request for waiver of Rule 25-30.030(2)(c), Florida Administrative Code, filed by Sunbelt Utilities, Inc., 10 Paradise Drive, Lady Lake, Florida 32659, is hereby granted. It is further

ORDERED that the amendment of Certificates Nos. 280-W and 227-S, held by Sunbelt in Lake County, is hereby granted. Sunbelt shall return the Certificates to this Commission within 20 days of the date of this Order for appropriate entry. It is further

ORDERED that Sunbelt is granted Certificates Nos. 519-W and 452-S in Sumter County. It is further

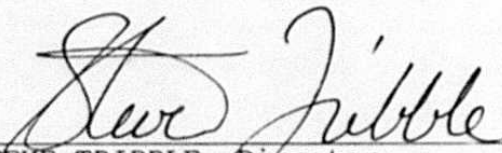
ORDERED that Sunbelt shall charge the customers in the additional territory in Lake and Sumter Counties the rates and charges currently authorized in its tariff. It is further

ORDERED that Sunbelt shall file a revised tariff reflecting amendment of its certificates to include the additional territory in Lake and Sumter Counties, approved herein, within 20 days of the date of this Order. It is further

ORDERED that Docket No. 890483-WS is hereby closed.

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By ORDER of the Florida Public Service Commission,
this 22nd day of AUGUST, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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ATTACHMENT A

DESCRIPTION FOR P.S.C. SERVICE
AREA (SW OF U.S. 27/441)

ALL THAT TRACT OF LAND LYING IN AND BEING A PORTION OF SECTION 6, 7, 17 AND 18, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA AND SECTIONS 1, 2, 11, 12, 13, AND 14, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SECTION 6, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY

ALL THAT PART OF SECTION 6 LYING SOUTH AND WEST OF U.S. HIGHWAY NO. 441/27 (200 FEET WIDE RIGHT-OF-WAY).

SECTION 7, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY

THE WEST 3/4 OF SECTION 7, LYING SOUTH AND WEST OF U.S. HIGHWAY NO. 441/27 (200 FEET WIDE RIGHT-A-WAY) AND THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, LESS AND EXCEPT THE SOUTH 176.11 FEET OF THE EAST 642.39 FEET THEREOF.

SECTION 17, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17.

SECTION 18, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY

THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER LESS AND EXCEPT THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER, LESS AND EXCEPT THE EAST 642.39 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER, LESS AND EXCEPT THE EAST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER, AND THE NORTH HALF OF THE SOUTHWEST QUARTER, AND THE WEST 1006.97 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER LESS AND EXCEPT THE WEST 660.00 FEET OF THE SOUTH 330.00 FEET, LESS AND EXCEPT ROAD RIGHT-A-WAY OF STATE ROAD NO. 466 (80 FEET WIDE RIGHT-OF-WAY).

SECTION 1, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY

ALL THAT PART OF THE SOUTH QUARTER OF SECTION 1 LYING SOUTH AND WEST OF U.S. HIGHWAY NO. 441/27 (200 FEET WIDE RIGHT-OF-WAY).

SECTION 2, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 2.

SECTION 11, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY

THE NORTHEAST QUARTER AND A PORTION OF THE SOUTHEAST QUARTER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 11, AND PROCEED N. 89° 37' 30" W., ALONG THE SOUTH BOUNDARY OF SAID SOUTHEAST QUARTER 1207.94 FEET; THENCE N. 00° 23' 21" E., 137.44 FEET; THENCE N. 21° 04' 15" W., 190.48 FEET; THENCE N. 41° 28' 52" W., 274.41 FEET; THENCE N. 52° 14' 07" W., 157.86 FEET; THENCE N. 89° 37' 47" W., 1059.81 FEET; THENCE N. 00° 25' 36" E., ALONG THE WEST BOUNDARY OF SAID SOUTHEAST QUARTER, 2025.24 FEET; THENCE S. 89° 24' 40" E., ALONG THE NORTH BOUNDARY OF SAID SOUTHEAST QUARTER, 2641.34 FEET; THENCE S. 00° 18' 55" W., ALONG THE EAST BOUNDARY OF SAID SECTION 11, 2630.28 FEET TO THE POINT-OF-BEGINNING.

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SECTION 12, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY
ALL OF SECTION.

SECTION 13, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY
THE NORTH 3/4 OF SECTION 13 LESS AND EXCEPT ROAD RIGHT-OF-WAY OF STATE ROAD
NO. 466 (100 FEET WIDE RIGHT-OF-WAY).

SECTION 14, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY
A PORTION OF THE NORTHEAST QUARTER BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SECTION 14 AND PROCEED S. 00 28'
30" W., ALONG THE EAST BOUNDARY OF SAID SECTION 14 1962.87 FEET; THENCE N. 62
00' 48" W., 1376.62 FEET; THENCE N. 00 23' 21" E., 386.33 FEET; THENCE N. 31
03' 51" W., 191.64 FEET; THENCE N. 00 23' 21" E., 543.86 FEET; THENCE N. 45
13' 10" E., 163.12 FEET; THENCE N. 00 23' 21" E., 115.48 FEET; THENCE S. 89
37' 30" E., ALONG THE NORTH BOUNDARY OF SAID NORTHEAST QUARTER, 1207.94 FEET TO
THE POINT-OF-BEGINNING.

ALL LYING AND BEING SITUATE IN LAKE AND SUMTER COUNTIES AND CONTAINS 2622.99 ACRES
MORE OR LESS.